

Mr. John Hamer  
Owner  
Motorsports of Miami

Testimony  
Before the Committee on Government Reform, Subcommittee on Regulatory Affairs  
United States House of Representatives

Hearing on the National Park Service's Stalled Rulemaking Efforts on Personal  
Watercraft  
March 15, 2006

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10:00 AM  
2247 Rayburn House Office Building

Testimony for Mr. John Hamer  
Owner, Motorsports of Miami

Good morning. Thank you for inviting me to testify before this subcommittee. My name is John Hamer. I own and operate Motorsports of Miami along with my business partner. Our shop is a dealership that sells, services and rents personal watercraft (PWC), sport boats, motorcycles and off-road vehicles. My dealership is located in an area of Miami known as Cutler Ridge, which is between the heart of the City of Miami and Homestead. It is also the closet personal watercraft dealership to Biscayne National Park.

Ninety-five percent of Biscayne National Park's 173,000 acres are covered by water, making it the largest marine park in the National Park System. It is truly one of the most magnificent destinations in the country for boating. I have seen first hand all the ebbs and flows of personal watercraft popularity due to the ban of PWC at Biscayne National Park, which went into effect in 2000. I can personally attest to the fact that my business suffered greatly due to the PWC ban.

I have been in the motorsports business since 1973. At first I primarily sold motorcycles and ATVs. In 1981 my partners and I relocated the shop to South Dade where we began to sell personal watercraft and they increasingly became a very important part of our business. Of all the products we sold, personal watercraft sales skyrocketed in the early-1990s. At one point we were selling on average 800 personal watercraft per year. Our sales were so high that we hired personnel dedicated solely to PWC sales and service, in addition to opening a new showroom used exclusively for this purpose as well. The market for personal watercraft was growing exponentially with all different types of consumers became interested; middle-class couples and families considered these small maneuverable boats an affordable way for them to get out on the water.

In South Florida boating is not a hobby, it is a lifestyle. From big multi-million dollar yachts, to center console outboards, to personal watercraft – everyone who lives down there wants to get out and enjoy their surroundings. In the late 1990s when news began to spread about the possibility of banning personal watercraft use at Biscayne National Park our customer base declined markedly. Customers simply were not going to invest in a boat – even in a modest boat like a PWC – if they couldn't use it near their home.

You might think to yourself that being in Miami there are plenty of other places to boat. If not Biscayne, then someplace else. This isn't the case. When personal watercraft were banned from Biscayne National Park, boaters had no other choice but to trailer their boats a long distance. From Homestead, FL it can easily take over an hour to get to the next closest boating destination Key Largo, where PWC use is permitted.

Even before the personal watercraft ban went into effect in 2000, the rumors around the potential ban precipitated a decline in PWC sales at my shop. Sales slipped from an average of 800 vessels per year to 200 per year in the late 1990s and by 2002 sales leveled off at 25% of previous sales. To be more specific, we sold just 201 PWC in 2005.

Since my shop is located directly next to a park where personal watercraft are banned, we felt a hit more drastic than other PWC dealers. As Ms. Laura Baughman pointed out in her study, the average decline in personal watercraft sales due to the bans was 60%, where my shop suffered a 75% decline. This sharp decline in sales forced Motorsports of Miami to downsize, the personal watercraft showroom closed, repairmen were laid off and our business shrunk. I watched the successful business I built nearly shatter. It is clear to me that this loss in personal watercraft sales was due to no factor other than the PWC ban because sport boat sales went up in this same time period.

To really appreciate the absurdity of the Biscayne ban you must see it for yourself. There are no physical boundaries that wall-off the waters of Biscayne National Park from those of the Atlantic Ocean. So imagine you are a personal watercraft rider; you have to ride 8 miles or more out in the waters of the Atlantic Ocean where the waves become larger and the ride becomes more dangerous. Furthermore, since there is no sign that tells you when

you have passed the boundaries of the park, you don't know when it is allowable for you to return closer to shore. And in the meantime, all other types of boats: fishing boats, pleasure boats, and commercial shipping vessels, are cruising through the waters of Biscayne National Park. That's right – all other boats. There is even a large mega-ton fuel barge that chugs through Biscayne National Park each week as it services the nuclear power plant on its shoreline.

It is not only businesses like mine that have suffered due to the ban, but also the boaters. The value of their boats suffered, not only from a resale point of view, but also as far as their use was concerned. As I look back, the most frustrating part about this whole situation is that the authorities at Biscayne National Park have never even conducted an environmental assessment to investigate whether this ban is warranted or not. I understand that a letter came down from National Park Service Headquarters here in Washington, DC alleging personal watercraft were bad for the environment and therefore the park could ban them.

As you know now, these allegations have been proven untrue not in one or two instances, but in 15 consecutive instances where national park units conducted an environmental assessment since the year 2002. We have asked for the same scientific study at Biscayne National Park but we have been denied. When a petition was filed in 2004 demanding that a scientific study be conducted, it was denied. When a Freedom of Information Act request was submitted to learn why the Park Service denied the petition, it offered no valid reason for the ban. Someone's bias assumed we would never end up here testifying about this matter before the United States Congress. This someone is likely tucked away at the National Park Service. They have no idea what devastating impact their arbitrary decisions are having on small businesses like mine.

And I am not the only one protesting these decisions. Nearly 1,000 other boaters mobilized just last month in South Florida through the BOAT Biscayne coalition to demand the environmental assessment study begin to determine whether the ban of PWC in Biscayne National Park is justified or not. Last month, I pledged my company's support when the Personal Watercraft Industry filed another petition with the U.S. Department of the Interior to once again reconsider the ban at the park.

But here we are today and I truly am grateful Congress shares my deep frustration. I hope you can resolve this matter quickly

In closing I want to convey to this Subcommittee that personal watercraft are remarkably friendly to the environment. I know this because I sell PWC for a living and have watched first-hand with every model year how these boats have become cleaner and more efficient. I would like to know from the National Park Service why is it taking so long for our voices to be heard? At the very least, I deserve an explanation of what could be so important that my business and livelihood must suffer.

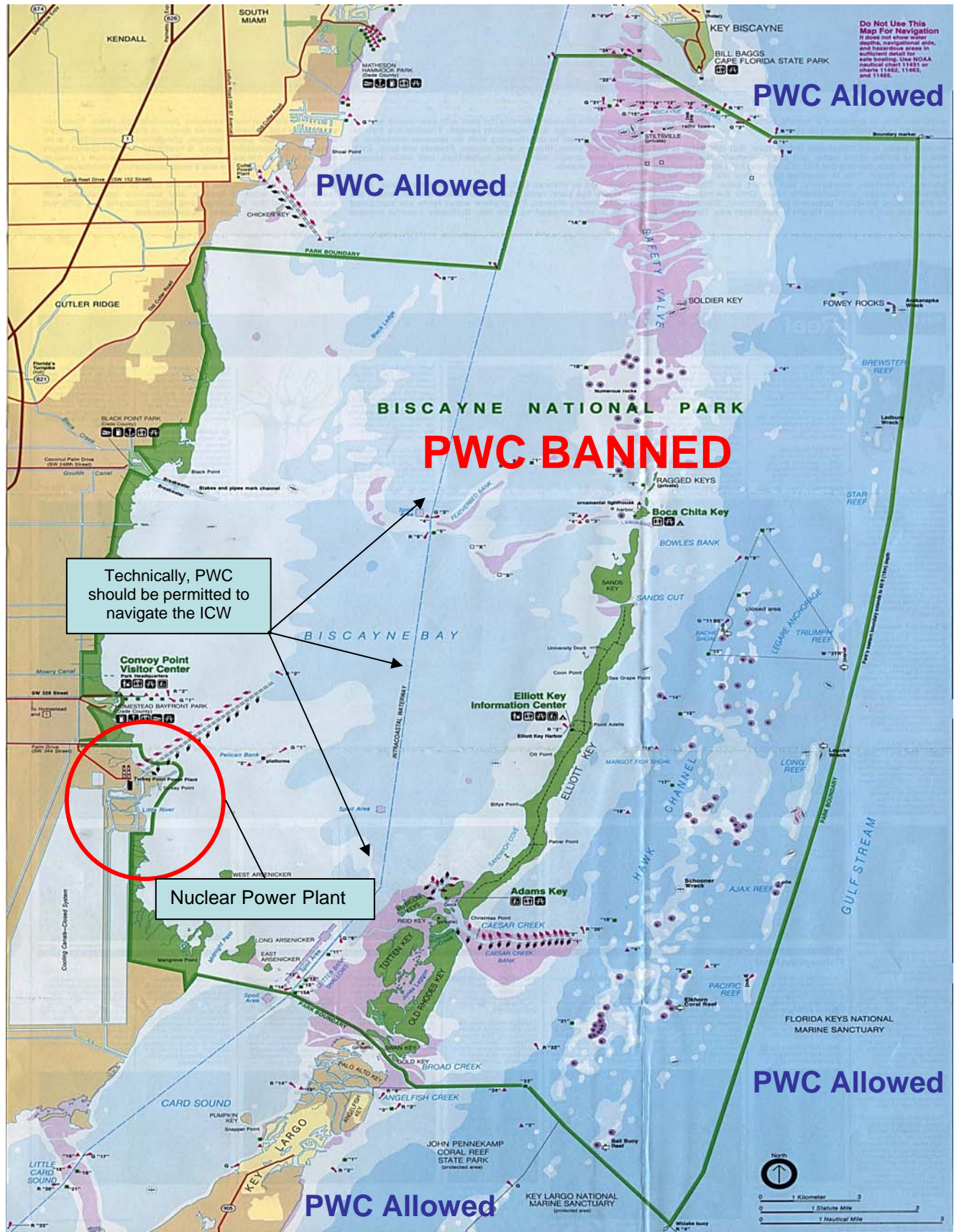
These boats don't cause the environmental harm that some allege. **Enough is enough.** This ruling was issued six years ago and until now we've been largely ignored and the layers of red tape at the Park Service pile higher and higher. I ask this Subcommittee to press the National Park Service to answer why my business, and others like me, must suffer indefinitely due to unfounded allegations and bureaucratic delays.

It's absolutely critical that this Subcommittee walk away with one very clear point – that NPS regulatory and bureaucratic delays are causing severe economic harm across the country. The National Park Service committed to completing environmental assessments and rule makings during a two-year window, by 2002, so business owners like me would not suffer without reason. These rule makings still languish years over due in many parks across the country.

I also implore you to demand an environmental assessment and a rulemaking begin immediately at Biscayne National Park. Otherwise, the National Park Service will simply tell us that Biscayne National Park wasn't part of their original plan so we should just go away and be ignored.

Thank you for calling this hearing and investigating this matter. I appreciate the opportunity to speak on behalf of the millions of families who enjoy riding their personal watercraft and the businesses who support them. Please use your leadership and oversight

to put an end to rulemaking delays that have caused great hardship for small business and boaters. Thank you very much.





## BISCAYNE NATIONAL PARK – MIAMI, FL



Image: Turkey Point Nuclear Power Plant,  
located on Biscayne Bay in Biscayne National Park



Image: Container ship in Biscayne Bay



**News stories about the fuel barge that serves Turkey Point Nuclear Power Plant in Biscayne National Park. This fuel barge travels through the park's waters frequently and even once ran aground. Meanwhile, only PWC are banned for alleged environmental impact.**

Excerpt from The Boating News.

"Atlantic Intracoastal Waterway Woes," May 2, 2005

[http://www.theboatingnews.com/intracoastal\\_wtrway.htm](http://www.theboatingnews.com/intracoastal_wtrway.htm)

*"In Biscayne Bay, south of Miami, the fuel barge with its tug plows a brown scar through the middle of Biscayne National Park almost every day to and from the Florida Power and Light nuclear plant at Turkey Point. The park service doesn't want any legal dredging of the bay because that could mean more boats could travel safely, disrupting the peace and quite enjoyed by park rangers.*

*The wealthy landowners who live on the way from the Port of Miami to Turkey Point don't want fuel trucks rumbling through their neighborhoods, so the tug and barge prevail. Should a manatee family or school of porpoise happen to get caught in the Biscayne Bay channel with the tug and barge, the risk of lethal impact ramifies. Meanwhile pleasure boat operators who get lost in the badly marked and improperly dredged Bay are fined up to \$50,000 for running aground on the sea grass."*



Image: Photo of fuel barge in Biscayne National Park

Excerpt from The Miami New Times

[http://www.miaminewtimes.com/issues/2000-09-21/news/feature\\_print.html#](http://www.miaminewtimes.com/issues/2000-09-21/news/feature_print.html#)

Originally published by *Miami New Times* Sep 21, 2000

## **In Too Deep**

**Four years ago a dangerous chemical tanker ran aground in Biscayne National Park. The salvage operation that followed would go down in history.**

**BY JACOB BERNSTEIN**

*"The Igloo Moon had run aground a little more than three miles from Key Biscayne inside Biscayne National Park. From Stiltsville she would have appeared peacefully at anchor. Yet on the way to her resting spot, the Igloo Moon had powered through enough coral reef to rupture four of its oil and diesel-fuel tanks. The ship carried about 100,000 gallons of diesel fuel and lube oil, much of it housed in tanks in a double-bottom hull. The release of the oil could kill untold numbers of birds and fish and damage productive mangroves for years to come."*